

**JUDICIAL SUBCOMMITTEE OF THE
CANADIAN ATHLETIC THERAPY ASSOCIATION
SUMMARY OF PENALTY
VICTORIA CLEARY**

Respondent: Victoria Cleary
Complainant: Ron Groskleg
CATA Case #: CATA Case VC 2020-12-14
Complaint Date: December 14, 2020

In the spring of 2019 the Member, Victoria Cleary, and the Complainant entered into a verbal agreement whereby the Member agreed to provide athletic therapy services to the Complainant in exchange for construction services and materials for the Member's residence. Further, at the time of entering into this verbal agreement the Member failed to disclose her fees for athletic therapy services. The Member acknowledges that trading athletic therapy services for personal constructions services and materials was a conflict of interest. Further, the Member acknowledges that she was unclear in her disclosure of fees to the Complainant prior to providing athletic therapy services.

The Member provided treatment to the Complainant from August 26, 2019 to and including November 26, 2020 (27 treatment sessions). At the time that the Member provided treatment to the Complainant, the Complainant's son, was also a CAT and an independent contractor with the Member's clinic (the "Complainant's son").

On August 26, 2019, the Complainant had an initial assessment with the Member at her clinic. There were no complaints or issues raised by the Complainant resulting from this initial assessment.

During subsequent treatments, the Member acknowledges having engaged in conversations that crossed professional boundaries, including initiating conversations about issues that the Member was having with the Complainant's son at the clinic, these included both personal and business issues about the Complainant's son.

During subsequent treatments, the Member assessed and treated, but in some cases did not chart the assessments or treatments appropriately or consistently. The Member acknowledges her understanding of the importance of charting assessments and treatments accurately and consistently.

During the last treatment session on November 26, 2019, the Member disclosed to the Complainant, certain private and financial information pertaining to the Complainant's son. Subsequently, the Complainant's son was terminated by the clinic. The Member acknowledges that this disclosure of information was inappropriate, and she acknowledges the importance of respecting and safeguarding the privacy of other Members, in this instance her independent contractor.

After the Complainant's son was terminated, the Complainant notified the Member that he wanted a copy of his treatment chart. The Complainant attended the clinic to pick up his treatment chart. Upon attending the clinic, clinic staff provided him with two copies of his treatment chart and an envelope containing confidential patient information for the Complainant's son. The Complainant was asked to deliver the envelope with the confidential patient information to his son on behalf of the clinic. The Member acknowledges that by providing the envelope containing the confidential patient information to the Complainant she failed to keep all patient information confidential. The Member acknowledges the importance of ensuring that all patient information remains confidential and that proper procedures need to be followed to maintain the same.

The Member admits that the foregoing facts establish that she failed to uphold the standard of care expected of a CAT which includes without limitation, engaging in a conflict of interest, failing to treat her colleagues with dignity

and respect, and failing to complete written and recorded assessment and treatment notes dated and signed by the practitioner.

The Complaint was disposed of by way and a jointly submitted disposition, accepted by the Investigative Subcommittee which was as follows:

The Member completed a Medical Record Keeping course offered through Dalhousie University on December 27, 2022, receiving an unconditional pass.

The Member completed the PHIA Online Training Program -Direct PHI Version & Administrator Version offered through Manitoba Health on March 4, 2023, receiving an unconditional pass.

The Member also had a clinic review completed by a senior member of the Ethics Committee to observe proper patient interactions and as well as a review of processes for maintaining confidential information. The Member had to create assessment forms that would be used by the Member and staff members for all new patients. The Member was required to reimburse the CATA for expenses related to completing this clinic assessment.

The Member was also required to pay a cost amount for the reimbursement of the CATA's legal costs incurred in the investigation of the complaint in the sum of \$1,500.